



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **AOYAMA, Susumu, et al.**

Group Art Unit: **2622**

Serial No.: **10/826,501**

Examiner: **WHIPKEY, Jason T.**

Filed: **April 19, 2004**

P.T.O. Confirmation No.: **1350**

For. **ELECTRONIC DEVICE, PHOTOGRAPHING CONTROL METHOD,
PHOTOGRAPHING CONTROL PROGRAM, AND INTEGRATED CIRCUIT**

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 29, 2010

Sir:

The applicants respectfully request European Office Action, mailed February 17, 2009, for counterpart European Patent Application 04252410.8 be placed in the application file.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Darren Crew
Attorney for Applicants
Reg. No. 37,806

DC/kn

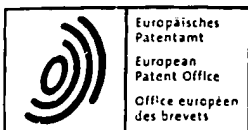
Atty. Docket No. **040075**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE

Enclosure: European Office Action



European Patent Office
90298 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465



Hitching, Peter Matthew
Haseltine Lake
Lincoln House
300 High Holborn
London
WC1V 7JH
ROYAUME-UNI

Formalities Officer
Name: Marnell, Joanna
Tel: +49 89 2399 - 2557
or call
+31 (0)70 340 45 00

Substantive Examiner
Name: Rückerl, Ralph
Tel: +49 89 2399 - 6999

Application No. 04 252 410.8 - 2209	Ref. P101319EP00/DNL	Date 17.02.2009
Applicant FUJITSU LIMITED		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

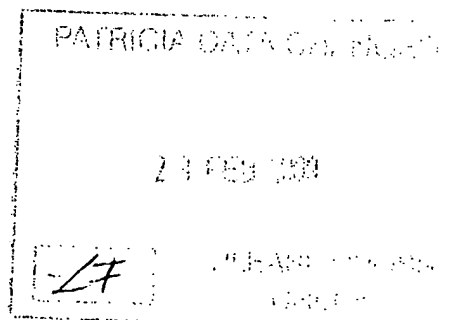
from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Rückerl, Ralph
Primary Examiner
For the Examining Division

Enclosure(s): 1 page/s reasons (Form 2906)



The examination is being carried out on the following application documents:

Description, Pages

1, 2, 4-36, 38-46	as originally filed			
47	received on	24.04.2006	with letter of	19.04.2006
3, 3a, 37	received on	31.10.2007	with letter of	30.10.2007

Claims, Numbers

1-9	received on	31.10.2007	with letter of	30.10.2007
-----	-------------	------------	----------------	------------

Drawings, Sheets

1/22-22/22	as originally filed
------------	---------------------

The following document is referred to: **D7: WO2005/013606A2**

Since the embodiment corresponding to figure 8 and pages 29-35 of **D7** is already disclosed in priority document **JP2003-285925** (see figure 6), its disclosure has to be regarded as relevant for the assessment of novelty, according to Article 54(3) EPC.

1. **Claim 1** is not novel in the sense of Article 54(3) and (4) EPC.

Document **D7** (figures 1, 2, 8) discloses an electronic device (1) having an imaging part (13) which is arranged to catch an image obtained through an optical system (2, 12), and a focusing mechanism (11) which is arranged to move the optical system to an auto-focusing position or a fixed focus position, comprising:

- i) a switch (9) that functions as a focusing switch ordering the focusing mechanism a focusing action and also functions as a shutter switch ordering taking of an image caught by the imaging part, the switch being capable of ordering the focusing action (figure 8: step C04; page 30, line 20-22) or the taking of the caught image (step C06; page 31, line 11 - page 32, line 13) by being operated; wherein
- ii) a control part (22) that decides whether or not a final lens position has been reached (step C08; page 31, lines 12-15), and in the case in which a final lens position has not been reached, detects that a shutter operation of the switch is performed during the focusing action of the focusing mechanism due to the switch (step C08; page 32, line 5-9), and in this case switches the optical system to the fixed focus position from the auto-focusing position to take a fixed focus image (step C09; page 32, lines 9-13).

2. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent **claims 6, 8, 9** which therefore are also considered not novel.